

**VanNess  
Feldman**  
ATTORNEYS AT LAW

228082  
A PROFESSIONAL CORPORATION  
1050 Thomas Jefferson Street, N.W.  
Washington, D.C. 20007-3677  
(202) 298-1800 Telephone  
(202) 338-2416 Facsimile

Seattle, Washington  
(206) 623-9372

**Michael F. McBride**  
(202) 298-1889  
mfm@vnf.com

October 28, 2010

Via Electronic Filing

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0012

ENTERED  
Office of Proceedings

OCT 28 2010

Part of  
Public Record

Re: F.D. 35302 – Bell Oil Terminal, Inc. v. BNSF Railway Co.

Dear Ms. Brown:

In an order served June 4, 2010 in the above-referenced proceeding, the Board granted a Petition for Mediation submitted jointly by the parties and set a deadline of August 2, 2010 for the mediation. On August 2, 2010, the Board extended the deadline to November 1, 2010.

As the Board is aware, the mediation process is underway, and the parties have made some progress. However, the parties require more time if they are to successfully resolve their dispute through mediation. Accordingly, this is to request that the Board extend the deadline for the mediation process for an additional 30 days, or until December 1, 2010. I am authorized to state that counsel for BNSF Railway Company supports this requested extension.

Respectfully submitted,

*Michael F. McBride*

Michael F. McBride  
Attorney for Bell Oil Terminal, Inc.

cc (w/encl.): Kristy D. Clark, Esq.  
Thomas F. McFarland, Esq.  
Karl Morell, Esq.